

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: IOWA-AMERICAN WATER COMPANY	DOCKET NO. RPU-01-4
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ORDER DENYING MOTIONS TO STRIKE

(Issued June 28, 2001)

On June 1, 2001, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) a motion to strike the affidavit of Ronald Stafford, which was attached to Iowa-American Water Company's (Iowa-American) May 30, 2001, reply to Consumer Advocate's temporary rate objection. On June 14, 2001, Consumer Advocate filed a motion to strike the affidavit of K.B. Earnhardt, Jr., filed by Iowa-American on June 13, 2001. Iowa-American filed replies to each motion.

The affidavits provide updates of information that was included in Iowa-American's initial request for temporary rates. Mr. Stafford's affidavit updated group insurance rates. In the initial temporary rate filing, Iowa-American estimated these would increase by 10 percent. The affidavit stated that as of July 1, 2001, premiums would increase 14-15 percent, depending on the coverage. Mr. Earnhardt's affidavit updated in-service dates for various plant additions that were included in the temporary rate filing.

Consumer Advocate argued that these affidavits introduced impermissible new evidence on temporary rates. Consumer Advocate said that because of the limited time frame for a decision, new evidence should not be allowed after Iowa-American's initial temporary rate request.

The affidavits in question do not propose new adjustments or contain additional direct testimony supporting the adjustments, but merely provide more accurate information than the estimates available at the time the temporary rate request was filed. Because no new pro forma adjustments are being proposed, the Board will deny the motions to strike.

IT IS THEREFORE ORDERED:

The motions to strike filed by the Consumer Advocate Division of the Department of Justice on June 1 and 14, 2001, are denied.

UTILITIES BOARD

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Judi K. Cooper
Acting Executive Secretary

/s/ Diane Munns

Dated at Des Moines, Iowa, this 28th day of June, 2001.